

**BEFORE THE
FEDERAL MARITIME COMMISSION**

Petition of United Parcel Service, Inc.
Petition No. P3-03

Petition of C.H. Robinson Worldwide, Inc.
Petition No. P9-03

**Petition of the National Customs Brokers and
Forwarders Association of American, Inc.**
Petition No. P5-03

**Petition of Danzas Corporation d/b/a Danmar
Lines Ltd., Danzas AEI Ocean Services, and
DHL Danzas Air and Ocean**
Petition No. P1-04

Petition of Ocean World Lines, Inc.
Petition No. P7-03

Petition of BDP International, Inc.
Petition No. P2-04

Petition of Bax Global Inc. for Rulemaking
Petition No. P8-03

**Petition of FedEx Trade Networks Transport &
Brokerage, Inc.**
Petition No. P4-04

**MOTION FOR LEAVE TO FILE
JOINT SUPPLEMENTAL COMMENTS REQUESTING EXPEDITED
ADOPTION OF A CONDITIONAL EXEMPTION FROM TARIFF PUBLICATION**

Submitted By

**THE NATIONAL INDUSTRIAL
TRANSPORTATION LEAGUE
UNITED PARCEL SERVICE, INC.
BAX GLOBAL INC.
FEDEX TRADE NETWORKS TRANSPORT
& BROKERAGE, INC.**

**TRANSPORTATION
INTERMEDIARIES ASSOCIATION
C.H. ROBINSON WORLDWIDE, INC.
BDP INTERNATIONAL, INC.**

Nicholas J. DiMichael, Esq.
Karyn A. Booth, Esq.
THOMPSON HINE LLP
1920 N Street, NW, Suite 800
Washington, DC 20036

*Counsel for The National Industrial
Transportation League*

Penelope W. Register, Esq.
Senior Vice President and
General Counsel
FedEx Trade Networks Transport
& Brokerage, Inc.
6075 Poplar Avenue, Suite 422
Memphis, TN 38119

Warren L. Dean, Jr., Esq.
THOMPSON COBURN LLP
1909 K Street, NW, Suite 600
Washington, DC 20006

*Counsel for FedEx Trade Networks
Transport & Brokerage, Inc.*

Dated: August 2, 2004

J. Michael Cavanaugh, Esq.
HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006

*Counsel for United Parcel Service,
Inc.*

Richard D. Gluck, Esq.
GARVEY SCHUBERT BARER
1000 Potomac Street, NW
5th Floor
Washington, DC 20007

*Counsel for Transportation
Intermediaries Association*

Therese G. Groff, Esq.
Vice President, General
Counsel & Secretary
BAX Global Inc.
440 Exchange Drive
Irvine, CA 92602

Edward J. Sheppard, Esq.
Richard K. Bank, Esq.
Ashley W. Craig, Esq.
THOMPSON COBURN LLP
1909 K Street, NW, Suite. 600
Washington, DC 20006

Counsel for BAX Global Inc.

Carlos Rodriguez, Esq.
RODRIGUEZ O'DONNELL ROSS
FUERST GONZALEZ & WILLIAMS
1211 Connecticut Avenue, NW
Suite 800
Washington, DC 20036

*Counsel for C.H. Robinson
Worldwide, Inc.
BDP International, Inc.*

**MOTION FOR LEAVE TO FILE
JOINT SUPPLEMENTAL COMMENTS REQUESTING EXPEDITED
ADOPTION OF A CONDITIONAL EXEMPTION FROM TARIFF PUBLICATION**

The foregoing NVOCC petitioners and national trade associations representing a broad cross section of logistics providers and their customers, through their undersigned counsel, respectfully move the Federal Maritime Commission (“FMC”) for leave to file Joint Supplemental Comments Requesting Expedited Adoption of a Conditional Exemption from Tariff Publication in each of the above referenced dockets. Although the comment period in these proceedings has closed, the parties to this motion believe that it is critically important for the FMC to be informed of a significant development affecting the pending NVOCC exemption and related proceedings.

Specifically, over the past several months the parties to this motion have had substantial discussions and are now united in their belief that the Commission should adopt, without further delay, a conditional exemption ~~from~~ tariff publication for NVOCCs. Furthermore, the parties have agreed on the text of such exemption as described in the Joint Supplemental Comments accompanying this motion. The unified approach and clear direction presented to the FMC in the Joint Supplemental Comments thus represent agreement of a substantial segment of the maritime industry that have been actively engaged in the pending proceedings. The moving parties believe that it is essential for the Commission to be informed of the exemption relief now desired by this broad segment of logistics providers and users of such services to address their commercial needs to engage in confidential ocean transportation agreements.

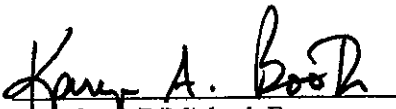
The proposed exemption would place NVOCCs and vessel operating carriers on equal footing vis-a-vis their shipper customers by applying only to NVOCC cargo that moves under written agreements that contain certain essential terms and that are filed confidentially with the FMC. The FMC would also retain jurisdiction over such NVOCC agreements to the same extent that it has jurisdiction over VOCC service contracts.

It is the hope and intent of the parties that this widely-supported proposal for a conditional tariff exemption will assist the FMC in its decision-making process. The proposal is designed to streamline rather than complicate these proceedings. As evidenced by the joint submission, ~~the~~ elements of the conditional tariff exemption set forth in the Joint Supplemental Comments do not present new concepts to the Commission that will require further review or study. To the contrary, the proposal is ~~designed~~ to provide a single and straightforward approach to resolving the issues and concerns already presented to the Commission in the proceedings. Given that it is now been over one year since the first NVOCC petition was tiled, and months have passed since input on any of the petitions was received by the agency, the moving parties believe that the Commission should act ~~as~~ expeditiously as possible to resolve many of the pending petitions by adopting the parties' exemption proposal.


The moving parties uniformly agree that America's competitiveness and American jobs depend upon the ability of importers and exporters to manage their supply chains with maximum efficiency. However, the current regulatory obstacles in the 1984 Shipping Act, ~~as~~ amended, which prohibit contracting between NVOCCs and their customers, severely undermine the competitiveness of U.S. companies in the global marketplace. Accordingly, the moving parties unequivocally believe that time is of the essence and action by the Commission on the pending petitions is required now to protect American businesses. Moreover, because the parties believe that any decisions rendered by the Commission should be based on the most accurate and ~~up-to-~~date information, they are submitting ~~the~~ tariff exemption proposal to the agency in ~~the~~ accompanying Joint Supplemental Comments.

Therefore, the parties respectfully request that the Commission grant this motion and accept into the record the Joint Supplemental Comments Requesting Expedited Adoption of a Conditional Exemption from Tariff Publication.


Respectfully submitted,


Nicholas J. DiMichael, Esq.
Karyn A. Booth, Esq.
THOMPSON HINE LLP
1920 N Street, NW, Suite 800
Washington, DC 20036

*Counsel for The National Industrial
Transportation League*

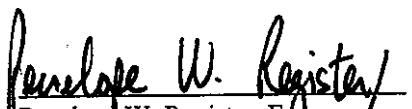

J. Michael Cavanaugh, Esq.
HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006

*Counsel for United Parcel Service,
Inc.*


Therese G. Groff, Esq.
Vice President, General
Counsel & Secretary
BAX Global Inc.
440 Exchange Drive
Irvine, CA 92602

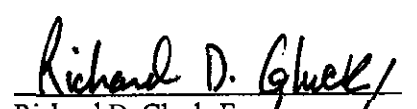
Edward J. Sheppard, Esq.
Richard K. Bank, Esq.
Ashley W. Craig, Esq.
THOMPSON COBURN LLP
1909 K Street, NW, Suite 600
Washington, DC 20006

Counsel for BAX Global Inc.

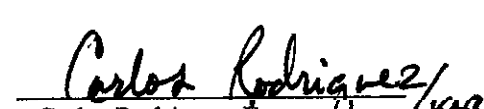

Penelope W. Register, Esq.
Senior Vice President and
General Counsel
FedEx Trade Networks Transport
& Brokerage, Inc.
6075 Poplar Avenue, Suite 422
Memphis, TN 38119

Warren L. Dean, Jr., Esq.
THOMPSON COBURN LLP
1909 K Street, NW, Suite 600
Washington, DC 20006

*Counsel for FedEx Trade Networks
Transport & Brokerage, Inc.*


Richard D. Gluck, Esq.
GARVEY SCHUBERT BARER
1000 Potomac Street, NW
5th Floor
Washington, DC 20007

*Counsel for Transportation
Intermediaries Association*


Carlos Rodriguez, Esq.
RODRIGUEZ O'DONNELL ROSS
FUERST GONZALEZ & WILLIAMS
1211 Connecticut Avenue, NW
Suite 800
Washington, DC 20036

*Counsel for C.H. Robinson
Worldwide, Inc.
BDP International, Inc.*

Dated: August 2, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have on this 2nd day of August, 2004, served a copy of the foregoing Motion for Leave to File Joint Supplemental Comments Requesting Expedited Adoption of a Conditional Exemption from Tariff Publication on the following persons listed below via first-class mail, postage pre-paid:

Edward D. Greenberg, Esq.
GALLAND KHARASCH GREENBERG
FELLMAN & SWIRSKY, PC.
1054 Thirty-First Street, NW
Washington, DC 20037-4492

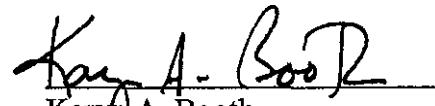
*Counselor The National Customs Brokers
and Forwarders Association of America, Inc.*

Leonard L. Fleisig, Esq.
TROUTMAN SANDERS LLP
401 Ninth Street, NW, Suite 1000
Washington, DC 20004-2134

Counsel for Ocean World Lines, Inc.

Stanley O. Sher, Esq.
SHER & BLACKWELL LLP
1850 M Street, NW, Suite 900
Washington, DC 20036-5820

Counselor World Shipping Council


Karyn A. Booth